

One Day of Rest in Seven Section 103.85 of the Wisconsin Statutes

2003-04 Statutes updated through February 1, 2005

103.85 One day of rest in seven.

(1) Every employer of labor, whether a person, partnership or corporation, who owns or operates any factory or mercantile establishment in this state, shall allow every person, except those specified in sub. (2), employed in such factory or mercantile establishment, at least 24 consecutive hours of rest in every 7 consecutive days and shall not permit any such person to work for such employer during such 24 consecutive hour period, except in case of breakdown of machinery or equipment, or other emergency, requiring the immediate services of experienced and competent labor to prevent serious injury to person, damage to property, or suspension of necessary operations, when such experienced and competent labor is not otherwise immediately available. This shall not authorize any work on Sunday not now authorized by law.

(2) This section does not apply to:

- (a) Janitors.
- (b) Security personnel.
- (c) Persons employed in the manufacture of butter, cheese or other dairy products or in the distribution of milk or cream, or in canneries and freezers.
- (d) Persons employed in bakeries, flour and feed mills, hotels, and restaurants.
- (e) Employees whose duties include no work on Sunday other than:
 - 1. Caring for live animals.
 - 2. Maintaining fires.
- (f) Any labor called for by an emergency that could not reasonably have been anticipated.

(3) Every employer shall keep a time book showing the names and addresses of all employees and the hours worked by each of them in each day, and such time book shall be open to inspection by the department.

(4) If upon investigation, the department shall ascertain and determine that there be practical difficulties or unnecessary hardships in carrying out the provisions of this section, or upon a joint request of labor and management, the department may by general or special order make reasonable exceptions therefrom or modifications thereof provided that the life, health, safety and welfare of employees shall not be sacrificed or endangered thereby. Such investigation and orders shall be made as provided under s. 103.005. Such orders shall be subject to review under ch. 227.

(5) Every employer who violates this section shall be punished as provided in s. 103.005 (11) and (12).

History: 1971 c. 185 s. 7; 1971 c. 228 s. 43; 1985 a. 135; 1995 a. 27.

Cross Reference: See also ch. DWD 275, Wis. adm. code.

Chapter 275 Wisconsin Administrative Code - One Day of Rest in Seven Current through Register, February 2005, No. 590

DWD 275.01 Day of rest. Section 103.85, Stats., is modified as follows:

(1) Twenty-four consecutive hours of rest in each calendar week shall be deemed compliance with this section.

(2) Employees in paper and pulp mills.

- (a) This section shall not apply to superintendents and department heads whose work is supervisory and not manual.
- (b) This section shall apply to machine operators, but shall not apply to millwrights, electricians, pipefitters, and other employees whose duties include not more than 5 hours of essential work on Sunday, making necessary repairs to boilers, piping, wiring or machinery.

History: Cr. Register, March, 1957, No. 15, eff. 4-1-57; r. and recr. Register, May, 1967, No. 137, eff. 6-1-67.

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